

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Miguel Obregon, Jr.

v

AmSher Collection Services Inc.

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Civil Action No.

5:19-cv-518

Complaint

Introduction

1. The Fair Debt Collection Practices Act was enacted to stop the harassment, abuse, and mistreatment of consumers by debt collectors. In enacting the FDPCA Congress found that this mistreatment contributed to job loss, the number of personal bankruptcies, invasions of personal privacy, and martial disharmony.
2. The FDCPA generally prohibits the use of any false, deceptive, or misleading representations in connection with collection of debts. It provides a non-exhaustive list of acts that violate the FDPCA. Among these are: the false representation of the character, amount, or legal status of a debt, 15 U.S.C. § 1692e(2)(A); the threat to take any action that cannot legally be taken or which is not intended to be taken, 15 U.S.C. §

1692e(5); and the use of any false representation or deceptive means to collect or attempt to collect a debt.

3. Plaintiff files this action for Defendant's violations of the FDCPA and seeks his actual damages, statutory damages, attorney's fees, and litigation expenses.

Jurisdiction & Venue

4. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
5. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events or omissions giving rise to Plaintiff's claims occurred here.

Parties

6. Plaintiff, Miguel Obregon Jr., is a natural person who resides in and has resided in San Antonio, Bexar County, Texas at all times relevant to this action.
7. Defendant, AmSher Collection Services, Inc., is an Alabama corporation whose principal business address is 4524 Southlake Parkway, Suite 15, Birmingham, Alabama 35244. It may be served with summons via its registered agent CT Corporation System, Inc. at 1999 Bryan Street, Ste 900, Dallas, Texas 75201.

Facts

8. AmSher regularly collects, and attempts to collect, defaulted debts which were incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of others using the U.S. Mail, telephone, and internet.
9. The principal purpose of AmSher is the collection of such debts.
10. The Debt is a defaulted debt that arose from personal, family, and household purposes (the “Debt”).
11. Obregon maintains a close watch on this credit report.
12. He does not have any accounts in collections and take pride in paying his financial obligations in full and on time.
13. He was confused when, beginning in or about March 11, 2019 he began receiving calls from AmSher.
14. At first he did not respond AmSher’s calls.
15. After he grew tired of the repeated unwanted calls he decided to call and straighten the situation out.
16. On or about April 1, 2019 Obregon called Amsher.
17. Over the course of two phone calls, after discussing AmSher’s mistake, it promised Obregon would stop receiving calls.
18. AmSher called at least ten times after this conversation.
19. These calls interrupted Obregon’s work and distracted him from job.
20. These call sought to collect a debt that Obregon did not and does not owe.

21. Even after explaining this to AmSher, it continued to call in an effort to collect a debt.

Cause of Action – Fair Debt Collection Practices Act

22. AmSher is a debt collector as defined by 15 U.S.C. § 1692a(6).
23. The Debt is a debt as defined by 15 U.S.C. § 1692a(5).
24. AmSher's phone calls are communications as defined by 15 U.S.C. § 1692a(2).
25. AmSher's calling violated the FDCPA in that it:
- a. Made a false representation about the character, amount, or legal status of the Debt in violation of 15 U.S.C. § 1692e(2)(A);
 - b. Threatened to take an action that is not intended to be taken in violation of 15 U.S.C. § 1692e(5); and
 - c. Made a false representation in an attempt to collect a debt in violation of 15 U.S.C. § 1692e(10).

Jury Demand

26. Plaintiff demands this case be tried before a jury.

Prayer for Relief

Plaintiff prays, that this Court enter judgment against Defendant and in favor of Plaintiff for:

- a. Actual damages per 15 U.S.C. § 1692 k(a)(1);
- b. Statutory damages per 15 U.S.C. § 1692k(a)(2); and

c. Attorney's fees, costs, and litigation expenses per 15 U.S.C. § 1692
k(a)(3).

Dated: May 15, 2019

Respectfully Submitted,

/s/William M. Clanton
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